

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REALTEK SEMICONDUCTOR
CORPORATION,

Plaintiff,

v.

MARVELL SEMICONDUCTOR, INC.,

Defendants.

No. C-04-4265 MMC

**ORDER DENYING REALTEK'S
REQUEST FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION**

(Docket No. 98)

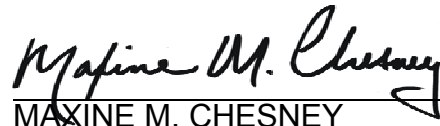
Before the Court is plaintiff Realtek Semiconductor Corporation's ("Realtek") motion, filed October 4, 2005, for leave to file a motion for reconsideration of the Court's September 23, 2005 order denying Realtek's motion to file under seal an Early Neutral Evaluation ("ENE") statement previously submitted by defendant Marvell Semiconductor Inc. ("Marvell"), along with a brief and declaration in which Realtek refers to events occurring during the ENE session between Realtek and Marvell. The Court held that Realtek had violated ADR Local Rule 5-12, which requires all parties to "treat as 'confidential information' the contents of the written ENE Statements, anything that happened or was said, any position taken, and any view of the merits of the case formed by any participant in connection with any ENE session." See ADR L.R. 5-12.

1 Realtek now seeks leave to file a motion for reconsideration of the Court's order, on
2 the ground that an "exception to the ADR Local Rules regarding confidentiality appl[ies] in
3 this instance due to the very high probative value of this evidence on issues squarely raised
4 by Marvel in its motion [for attorneys' fees] . . . and because such highly probative evidence
5 is not available to Realtek from any other source." (See Motion at 2.) The Commentary to
6 ADR Local Rule 5-12 provides that there may be "some limited circumstances in which the
7 need for disclosure outweighs the importance of protecting the confidentiality of an ENE
8 session," citing such examples as death threats, the use of mediation to commit a felony,
9 and the need to prevent manifest injustice. See ADR Local Rule 5-12, Commentary.
10 Realtek's proposed motion for reconsideration fails to raise any such or equivalent
11 circumstances.

12 Accordingly, Realtek's motion for leave to file a motion for reconsideration is hereby
13 DENIED.

14 **IT IS SO ORDERED.**

15 Dated: October 14, 2005


MAXINE M. CHESNEY
United States District Judge